

VIOLATIONS CHARGED: Adulteration, Section 402 (b) (2), products deficient in fruit had been substituted in whole or in part for strawberry and apricot jams, foods for which definitions and standards of identity have been prescribed by regulations promulgated pursuant to law.

Misbranding, Section 403 (g) (1), the products failed to conform to the definitions and standards of identity for strawberry and apricot jams since they had been made from mixtures composed of less than 45 parts by weight of one of the fruit ingredients to each 55 parts by weight of one of the saccharine ingredients specified in the regulations.

DISPOSITION: November 18, 1944. No claimant having appeared, judgment of condemnation was entered and the products were ordered distributed to certain charitable institutions.

7817. Adulteration and misbranding of blackberry jam. U. S. v. 85 Cases of Blackberry Jam. Default decree of condemnation. Product ordered delivered to local hospitals. (F. D. C. No. 14344. Sample No. 93011-F.)

LIBEL FILED: November 1, 1944, District of Columbia.

ALLEGED SHIPMENT: On or about September 28, 1944, by the Standard Fruit Product Co., from Cincinnati, Ohio.

PRODUCT: 85 cases, each containing 6 jars, of blackberry jam at Washington, D. C.

LABEL, IN PART: "Sugarnut Quality Black Berry Jam."

VIOLATIONS CHARGED: Adulteration, Section 402 (b) (2), a product containing less than 68 percent soluble solids had been substituted in whole or in part for blackberry jam, a food for which the soluble solids content has been fixed at not less than 68 percent by regulations establishing a reasonable definition and standard of identity for blackberry jam.

Misbranding, Section 403 (g) (1), the product purported to be and was represented as blackberry jam, a food for which a definition and standard of identity has been prescribed by regulations, and it failed to conform to such definition and standard.

DISPOSITION: December 7, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to local hospitals, for their use and not for sale.

7818. Adulteration and misbranding of apple jelly. U. S. v. 169 Cases of Apple Jelly. Default decree of condemnation. Product ordered delivered to a Federal institution. (F. D. C. No. 12859. Sample No. 71644-F.)

LIBEL FILED: July 8, 1944, District of Montana.

ALLEGED SHIPMENT: On or about March 17, 1944, by the Southwest Food Products Co., from Long Beach, Calif.

PRODUCT: 169 cases, each containing 12 2-pound jars, of apple jelly, at Missoula, Mont.

LABEL, IN PART: (Jars) "Dude Ranch Pure Apple Jelly."

VIOLATIONS CHARGED: Adulteration, Section 402 (b) (2), a product of less than 65 percent soluble solids content had been substituted in whole or in part for apple jelly.

Misbranding, Section 403 (g) (1), the product failed to conform to the definition and standard of identity for apple jelly since it had not been concentrated by heat to such point that its soluble solids content was not less than 65 percent; and, Section 403 (a), the name "Apple Jelly," appearing in the labeling, was false and misleading since the product failed to conform to the definition and standard of identity for fruit jelly promulgated pursuant to law.

DISPOSITION: December 23, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a Federal institution.

7819. Adulteration and misbranding of jelly. U. S. v. 35 Cases of Blackberry Jelly, 84 Cases of Red Raspberry Jelly, 94 Cases of Strawberry Jelly, 115 Cases of Currant Jelly, and 50 Cases of Cherry Jelly. Consent decree of condemnation. Products ordered released under bond. (F. D. C. No. 12861. Sample Nos. 38401-F, 54897-F to 54900-F, incl.)

LIBEL FILED: On or about July 6, 1944, Eastern District of Wisconsin.

ALLEGED SHIPMENT: On or about April 6 and May 5, 1944, by the Phillips, Co., Inc., from Chicago, Ill.

PRODUCT: 378 cases, each containing 24 12-ounce jars, of jelly at Milwaukee, Wis.

LABEL, IN PART: (Jars) "Phillips Blackberry [or "Red Raspberry," "Strawberry," "Currant," or "Cherry"] Jelly."

VIOLATIONS CHARGED: Adulteration, Section 402 (b) (1), valuable constituents, fruit juices, had been in part omitted from the products; and, Section 402 (b) (2), products deficient in fruit juices, insufficiently concentrated, and containing added water and phosphoric acid or acid phosphate, had been substituted in whole or in part for blackberry, red raspberry, strawberry, currant, and cherry jellies.

Misbranding, Section 403 (g) (1), the products failed to conform to the definitions and standards of identity for fruit jellies since they had not been concentrated by heat to such point that their soluble solids content was not less than 65 percent, and since they contained added water and phosphoric acid or acid phosphate, which are not permitted as optional ingredients of fruit jellies; Section 403 (a), the names "Blackberry Jelly," "Red Raspberry Jelly," "Strawberry Jelly," "Currant Jelly," and "Cherry Jelly," in the labeling, were false and misleading; and, Section 403 (b), the products were offered for sale under the names of other foods.

DISPOSITION: December 13, 1944. The Phillips Co., Inc., claimant, having consented to the entry of the decree, judgment of condemnation was entered and the products were ordered released under bond to be relabeled under the supervision of the Food and Drug Administration.

VEGETABLES*

7820. Misbranding of canned asparagus. U. S. v. 38 Cases of Canned Asparagus. Default decree of condemnation. Product delivered to charitable institutions. (F. D. C. No. 14979. Sample No. 73172-F.)

LIBEL FILED: January 11, 1945, District of South Dakota.

ALLEGED SHIPMENT: On or about November 17, 1944, by Parrott & Co., from Oakland, Calif.

PRODUCT: 38 cases, each containing 24 1-pound, 3-ounce cans, of asparagus at Watertown, S. Dak.

LABEL, IN PART: "Bountiful All Green Cut California Asparagus."

VIOLATION CHARGED: Misbranding, Section 403 (a), the vignette on the label depicting a dish containing a considerable proportion of asparagus tips, and the label statement, "All Green Cut California Asparagus," were false and misleading since the article consisted of center and bottom cuts from the asparagus stalk, but contained no tips.

DISPOSITION: February 13, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered disposed of by the United States marshal. The product was distributed to various charitable institutions.

7821. Adulteration of Garbanzos beans (chick peas). U. S. v. 67 Bags of Garbanzos Beans. Default decree of condemnation and destruction. (F. D. C. No. 14062. Sample No. 63808-F.)

LIBEL FILED: October 26, 1944, Southern District of Florida.

ALLEGED SHIPMENT: On or about March 30, 1944, by L. N. White & Co., from New York, N. Y.

PRODUCT: 67 110-pound bags of Garbanzos beans at Tampa, Fla.

LABEL, IN PART: "Garbanzo de Sinaloa."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of weevils, webbing, insect frass, and insect excreta.

DISPOSITION: December 4, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

7822. Adulteration of canned, strained green beans. U. S. v. 180 Cartons of Canned Strained Green Beans. Default decree of condemnation and destruction. (F. D. C. No. 14974. Sample Nos. 68190-F, 68400-F.)

LIBEL FILED: January 11, 1945, Northern District of Ohio.

*See also No. 7890.